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into said [large] first compartment, means for sealing said [large] first compartment with when
said portion of said pet bed is enclosed therein, and means for temporarily closing said [small]
second compartment.

Applicant also submits a clean, unmarked version of amended claim 14 attached hereto as
Exhibit A.

REMARKS

In the Office Action dated January 17, 2002, the Examiner maintained his rejection of claim 14 under 35 U.S.C. Section 102(b), or in the alternative under 35 U.S.C. Section 103(a), as being anticipated or obvious over U.S. Patent No. 5,890,648 to Cai or U.S. Patent No. 1,973,209 to Hooker. The Examiner also rejected claim 15 under 35 U.S.C. Section 103(a) as being unpatentable over Hooker in view of U.S. Patent No. 5,746,317 to Keeton 4,054,204.

Regarding the Examiner's Section 102(b) and 103(a) rejections, the Examiner cited Cai as anticipating or, alternatively, rendering obvious claim 14. Cai teaches a container formed from a unitary blank of foldable material to provide a two-compartment covered tray for accommodating a food product and separately secured sauce cup. The Examiner contends that the carton described in this reference is inherently a "means for compacting' ... if a soft, compressible item were pushed inside."

But there is no indication or disclosure that the carton described in Cai acts as and is intended to be a "compression means." The Cai carton is designed to hold a food product, such as a small nugget, and an accompanying sauce in separate compartments and is of the type "used in...the fast food industry." (Col. 1, lines 406.) The carton is folded from a single piece and

held together with adhesive tabs. The patent does not indicate that the adhesive is intended to be strong enough to hold the carton together while the carton walls exert a compression force on the contents contained within. From the purpose of this carton, it is clear that the carton was not designed to compress because it is intended to hold small pieces of food that do not fill the entire volume of the food compartment. No one buys fast food that is to be compressed by the package. Accordingly, there is no reason for the walls of the Cai carton to be used as a compression means to maintain the carton's contents in a compressed state, and no basis to conclude that Cai inherently teaches a "means for compacting."

The Examiner also cited Hooker as anticipating or, alternatively, rendering obvious claim 15. Hooker teaches a rigid container formed by a single blank of cardboard folded into first and second compartments and a partition. The Examiner contends that the Hooker carton itself "will inherently be a 'means for compacting,' ... if a soft, compressible item were pushed inside." However, Applicant submits that twice amended claim 14 is patentable over Hooker. The Hooker carton comprises a first and second compartment arranged in series. Accordingly, to access the second compartment, one must first go through or access the first compartment. In contrast, the carton described in claim 14 comprises first and second compartments arranged in such a manner that one has simultaneous access to both compartments at a single end of the carton. Stated differently, with the present invention, one has access to either one of the compartments independently of access to the other compartment.

Finally, the Examiner cites Hooker in combination with Keeton as rendering claim 15 obvious. Keeton discloses a method of packaging a flexible foam article comprising placing the article in a substantially airtight bag and removing the air from the bag as the article is pressed into a rigid container. The combination of Hooker and Keeton does not render the invention in

claim 15 obvious because, among other reasons, combining these references does not lead to a system in which a carton with a first compartment for receiving the compressed article is simultaneously accessible at one end of the carton with a second compartment.

CONCLUSION

Based on the foregoing, applicant respectfully submits that pending claims 14 and 15 are allowable.

Respectfully submitted,



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TWICE AMENDED CLAIM 14
UNMARKED VERSION

14. A system for shipping a pet bed, said system comprising: a unitary carton for shipping said pet bed, said carton having a first end, said carton divided into first and second compartments which are simultaneously accessible at the first end, means for compacting a portion of said pet bed to fit into said first compartment, means for sealing said first compartment with when said portion of said pet bed is enclosed therein, and means for temporarily closing said second compartment

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